

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JERI BURGER,

Plaintiff,

v.

NO. 08-2301-ML; MDL DOCKET NO. 07-
1842-ML

DAVOL INC., AND C.R. BARD, INC.,
Defendants.

MEMORANDUM AND ORDER

This case is part of the multi district litigation (“MDL”) generally referred to as In re Kugel Mesh Hernia Patch Products Liability Litigation, MDL No. 1842, No. 07-MD-1842-ML (D.R.I.). The MDL involves claims surrounding allegedly defective hernia repair patches (“CK Patch”) designed and manufactured by Davol, Inc., and C.R. Bard, Inc. (“Defendants”). Plaintiff alleges that she was treated with the CK Patch and suffered injuries as a result. Defendants have moved for summary judgment on all claims made by Plaintiff.

This matter was originally set for trial to begin on May 13, 2013. Expert disclosures were due by March 15, 2013. At the request of the parties, the trial date was subsequently moved to July 22, 2013, and the Court reset the expert disclosure deadline to April 12, 2013. Plaintiff did not file any expert disclosures by the April 12, 2013 deadline.

Defendants contend, inter alia, that because Plaintiff has not disclosed any experts to

prove her claims, her claims fail under Missouri law. Defendants further argue that they are entitled to judgment. Plaintiff does not dispute that Defendants are entitled to summary judgment because Plaintiff failed to serve expert reports. Accordingly, Defendants' motion for summary judgment is granted. The Clerk is directed to enter judgment for Defendants.

SO ORDERED

/s/ Mary M. Lisi

Mary M. Lisi

Chief United States District Judge

June 18, 2013